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JAMES H. McKENNEY,
Clerk.

No. 19862.

# Supreme Court of the United States

W. H. Carfer, Sheriff of Wood County, West Virginia, Appellant.

vs. Upon Proceedings in Habeas Corpus.

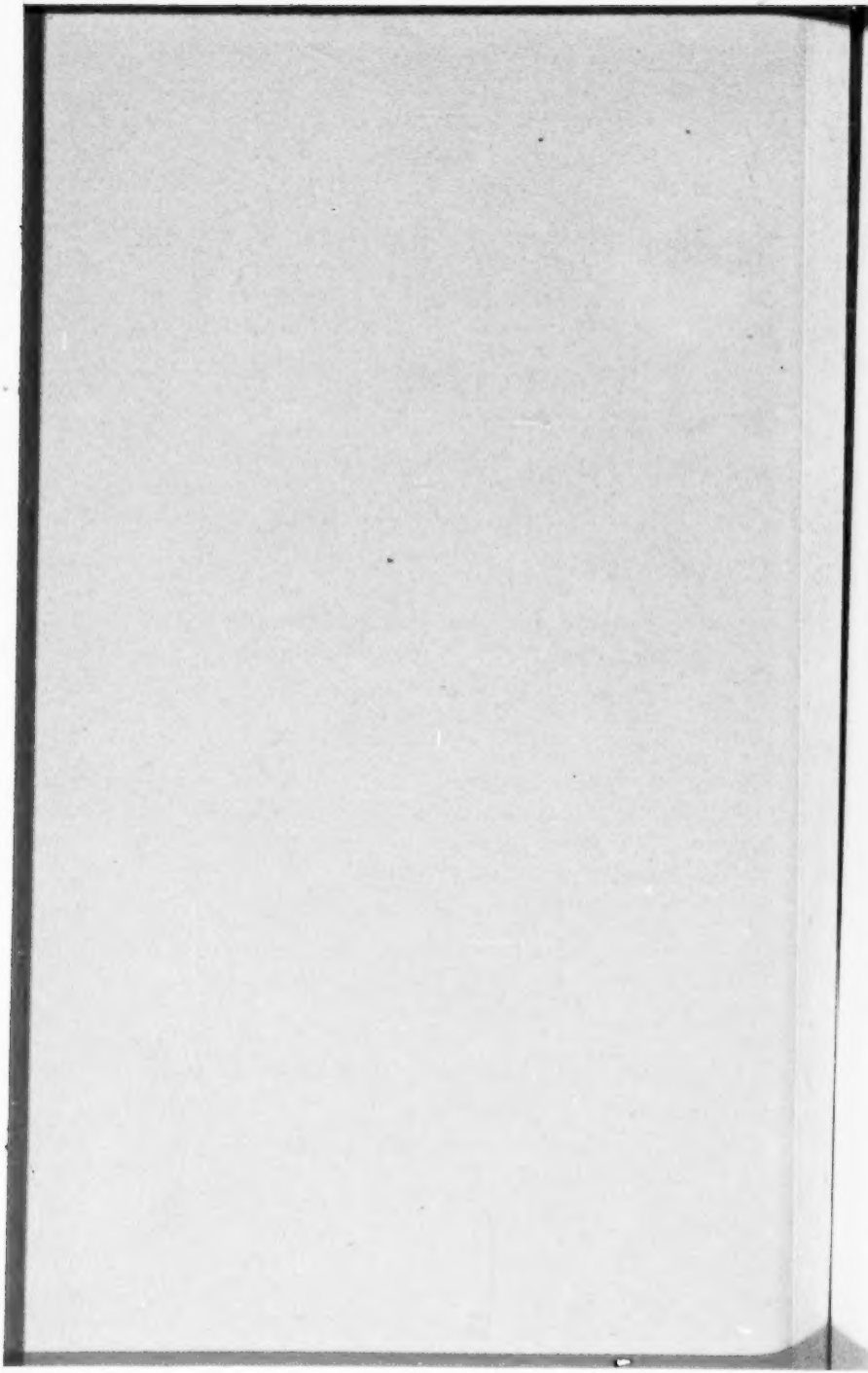
C. T. Caldwell, Appellee.

October Term 1905.

No. 360.

Appealed from the Circuit Court of the United States for the Northern District of West Virginia.

MOTION TO DISMISS.



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To W. H. CARFER, Appellant:

You will please take notice that on the 8th day of January, 1906, or when this cause is called for hearing and Counsel can be heard, Defendant in Error, Charles T. Caldwell, Appellee, will move the said Supreme Court of the United States to dismiss the appeal heretofore awarded you by the Circuit Court of the United States for the Northern District of West Virginia, on the 1st day of July, 1905, for the following reasons:

I.

Because the said appeal was improvidently awarded.

II.

Because the order allowing the appeal made by the

Circuit Court of the United States for the Northern District of West Virginia on July 1st, 1905, has not been complied with and therefore you are not entitled to said appeal nor any appeal or any proceedings on said order, and this cause is improperly docketed in the Supreme Court of the United States, as appear upon the face of the record and proceedings.

For the foregoing and other reasons appearing on the face of the record and other proceedings in this cause, I will make a motion before said Supreme Court of the United States, as hereinbefore stated, to dismiss the said appeal and to strike this case from the Supreme Court docket.

Chas. T. Caldwell
appellee.
by Counsel

J. G. McClure
of Att'y Counsel
for Caldwell